

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CITY SELECT AUTO SALES, INC.,
Plaintiff,

v.

DAVID RANDALL ASSOCIATES,
INC., et al.,

Defendants.

Civil Action
No. 11-2658 (JBS-KMW)

ORDER

Before the Court are three motions: Plaintiff's renewed motion for class certification [Docket Item 60], Plaintiff's motion for leave to cite supplemental authority [Docket Item 86], and Defendants' motion for leave to cite supplemental authority [Docket Item 92]. The Court having heard oral argument on October 23, 2013; for the reasons explained in the Opinion of today's date and for good cause shown;

IT IS this 20th day of December, 2013 hereby ORDERED that Plaintiff's renewed motion for class certification [Docket Item 60] is granted; and it is further ORDERED that Plaintiff City Select Auto Sales, Inc. shall be the class representative; and it is further ORDERED that the class definition will be:

All persons or entities, with whom David Randall Associates did not have an established business relationship, who were successfully sent one or more unsolicited faxes during the period March 29, 2006, through May 16, 2006, stating, "ROOF LEAKS??? REPAIRS AVAILABLE Just give us a call and let our professional service technicians make the repairs!" and "CALL: David/Randall Associates, Inc. TODAY."

and it is further

ORDERED that the class claims or issues, pursuant to Rule 23(c)(1)(B), are (1) whether the B2B hard drive evidence is admissible; (2) whether Defendants' fax constitutes an advertisement; (3) whether Defendants violated the TCPA by sending the advertisements without permission of the recipients; (4) whether Plaintiff and other class members are entitled to statutory damages; (5) whether Defendants' actions were willful and knowing under the TCPA and, if so, whether the Court should treble the statutory damages; and (6) whether the Court should enjoin Defendants from future TCPA violations; and it is further

ORDERED that Sherman, Silverstein, Kohl, Rose & Podolsky, P.A. and Bock & Hatch, LLC are appointed class counsel; and it is further

ORDERED that Plaintiff's motion to cite additional authorities [Docket Item 86] and Defendant's motion to cite additional authorities [Docket Item 92] are granted nunc pro tunc and those have been considered; and it is further

ORDERED that Class Counsel shall file a motion for court approval of notice to the class and a proposed form of such notice within twenty-one (21) days of the entry of this Order, unless all counsel consent to the form of such notice.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge